

**From:** Paul Baker  
**To:** dderley@frontiernet.net  
**Date:** 3/31/2010 12:49 PM  
**Subject:** Response to Comments on Earth Energy Resources PR Springs Mine

Mr. Erley:

I am responding to your electronic mail message addressed to Julie Ann Carter, Secretary of the Board of Oil, Gas and Mining, regarding the PR Springs mine.

Grand County has been officially notified of this approval and has been asked to provide comments by April 12, 2010. They were provided with a link to our web site where they can examine the Notice of Intention.

Certain aspects of your message are outside the scope of the Utah Mined Land Reclamation Act and the Division of Oil, Gas and Mining. We do not examine cumulative effects of operations, including certain land use decisions and effects on traffic. We do, however, look at some aspects of air quality and sediment control. Jurisdiction for air quality issues rests primarily with, in this case, the EPA.

The plan contains measures the operator will use to control fugitive dust, and the operator has received a determination from the EPA that they are not subject to New Source Performance Standard Subpart Ja.

Impacts to surface and ground water quality are addressed in the plan. There is little likelihood of adversely affecting ground water, and the plan includes various measures for protecting surface water. The potentiometric surface in the general area is 1500 feet or greater below ground surface, and, at a maximum depth of 140 feet, the opening pit would not be expected to encounter the regional groundwater table or affect its gradient or quality. Potential effects to groundwater were examined in the operator's permit with the Division of Water Quality.

Surface water will be protected by constructing the plant site with perimeter ditches and berms so it is self-contained.

The operator has provided information about the processing operations, including residual chemicals that might be present with process sand, to the Division of Water Quality, and Water Quality is satisfied there would be minimal potential effects on ground water. Details of the processing operations and the chemicals to be used have not been provided to Oil, Gas and Mining because it is proprietary, so we are relying on Water Quality in this regard.

As your message states, Phase II is presented in conceptual form, and the operator commits to provide greater detail when it is ready to proceed with this portion of the operations. Oil, Gas and Mining has signed a settlement agreement with Western Resource Advocates agreeing that expansion into the west pit will be considered a significant revision that will necessitate public notice and a public comment period.

I hope this answers your questions, but please feel free to contact me if you need additional information.

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